

## Message Text

SECRET

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00  
NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13 ACDA-07  
EB-08 /086 W  
-----071232Z 054870 /12

P R 071218Z MAR 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC PRIORITY 6198  
USNMR SHAPE PRIORITY  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
AMEMBASSY THE HAGUE  
USMISSION NATO BRUSSELS  
USMISSION USBERLIN  
DOD WASHDC  
CINC EUR VAIHINGEN

S E C R E T SECTION 01 OF 02 BONN 04003

E.O. 11652: XGDS 3  
TAGS: PFOR, MARR, MPOL, GW, US, UK, FR  
SUBJECT: PROTECTION OF FRG AIR SPACE

1. THE BRITISH EMBASSY HAS BROUGHT TO OUR ATTENTION A LETTER FROM SACEUR WHICH REQUESTS NATIONAL AUTHORITIES (PRESUMABLY THOSE OF THE US AND THE UK) TO CONCUR IN OR COMMENT ON PROPOSED REVISIONS TO THE SHAPE DIRECTIVE FOR NATO EUROPE INTEGRATED AIR DEFENSE (NATINAD). THE REVISIONS WOULD PERMIT FIGHTER AIRCRAFT FROM THE FRG, BELGIUM, AND THE NETHERLANDS TO PARTICIPATE WITH THOSE OF THE US, THE UK, AND FRANCE IN THE POLICING OF FRG AIRSPACE.

2. ACCORDING TO THE LETTER FROM GENERAL HAIG (REFERENCE 1251.04/5220/S374/76, DATED 9 JANUARY 1977),

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CINCENT HAD ENDORSED AN AAFCE STUDY RECOMMENDING SUCH CHANGES BUT HAD INDICATED THAT SHAPE "SHOULD REVIEW ANY CONSTRAINTS CONCERNING THE PROPOSED USE OF NON-TRIPARTITE AIRCRAFT FOR AIR POLICING OF FRG AIRSPACE." THE LETTER CONTINUES THAT THIS REVIEW HAS NOW BEEN COMPLETED AND THAT "THE BONN CONVENTION APPEARS TO CONTAIN NO DIRECT OR INDIRECT RESTRICTIONS ON THE

USE OF NON-TRIPARTITE FIGHTERS FOR AIR POLICING IN  
FRG AIRSPACE."

3. THIS EMBASSY WAS NOT PREVIOUSLY AWARE OF THE STUDY  
AND IS THEREFORE UNABLE TO ANSWER THE QUESTIONS  
RAISED BY THE UK EMBASSY AS TO THE EXTENT TO WHICH  
POLITICAL AND LEGAL CONSIDERATIONS HAVE BEEN TAKEN  
INTO CONSIDERATION IN THE PREPARATION OF THE PROPOSED  
REVISION TO NATINAD. WE AGREE WITH THE UK EMBASSY  
THAT IT WOULD BE DESIRABLE TO EXAMINE THE FOLLOWING  
QUESTIONS BEFORE FINAL ACTION IS TAKEN TO REVISE  
CURRENT PLANS:

A. IN TERMS OF INTERNATIONAL LAW, WOULD THE  
PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE 1952/54  
BONN AGREEMENTS AND PARIS PROTOCOLS AND THE ACCOM-  
PANYING CLASSIFIED AGREED MINUTES? (ARTICLE 6 OF  
CHAPTER 12 OF THE CONVENTION PROVIDES: "IN THE  
EXERCISE OF THEIR RESPONSIBILITIES RELATING TO  
GERMANY AS A WHOLE, THE THREE POWERS WILL CONTINUE  
TO EXERCISE CONTROL WITH RESPECT TO AIRCRAFT OF THE  
USSR UTILIZING THE AIR SPACE OF THE FEDERAL REPUBLIC."  
ANNEX A OF THE SECRET AGREED MINUTES DATED OCTOBER  
23, 1954, PROVIDES THAT THE FRG WILL NOT PERMIT  
FLIGHTS BY MILITARY AIRCRAFT OF THE SATELLITE COUNTRIES  
IN FRG AIRSPACE WITHOUT THE CONSENT OF THE THREE  
POWERS.)

B. POLITICALLY, IS IT DESIRABLE TO SHARE WITH  
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THE FRG, IN PARTICULAR, AS WELL AS WITH BELGIUM AND

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TO SECSTATE WASHDC PRIORITY 6199

USNMR SHAPE PRIORITY

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USMISSION NATO BRUSSELS

USMISSION USBERLIN

DOD WASHDC

CINC EUR VAIHINGEN

S E C R E T SECTION 02 OF 02 BONN 04003

THE NETHERLANDS, THE CONTROL PRESENTLY RESERVED BY  
TREATY TO THE THREE POWERS, AS A PART OF THEIR  
RESERVED RIGHTS CONCERNING GERMANY AS A WHOLE? WHAT  
ARE THE POLITICAL IMPLICATIONS OF A DILUTION OF THIS  
THREE POWER RESPONSIBILITY?

C. WOULD THERE BE ANY IMPLICATIONS FOR THE  
BERLIN AIR CORRIDORS? I.E., IS THERE ANY DANGER  
THAT THE SOVIETS MIGHT CONSIDER THAT RELIQUISHMENT  
BY THE THREE POWERS OF THEIR EXCLUSIVE RESPONSIBILITY  
FOR CONTROL OF SOVIET MILITARY AIRCRAFT IN FRG AIRSPACE,  
AND SHARING THIS CONTROL WITH THE FRG, WOULD WARRANT  
A PARALLEL RELINQUISHMENT OF SOVIET RESPONSIBILITY FOR  
CONTROL OF ALLIED MILITARY AIRCRAFT OVER GDR TERRITORY?

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(IT WILL BE RECALLED THAT IMPLEMENTATION OF THE BONN  
CONVENTIONS IN 1954 WAS FOLLOWED BY THE GDR/SOVIET  
TREATY OF 1955 AND THE ACCOMPANYING BOLZ-ZORIN  
EXCHANGE, IN WHICH THE SOVIETS SPECIFICALLY STATED  
THAT THEY WOULD CONTINUE TO BE RESPONSIBLE FOR  
AIRCRAFT IN THE BERLIN CORRIDORS.)

D. WHAT WOULD BE THE LIKELY ATTITUDE OF THE FRG  
TO THE PROPOSED CHANGE WHEN IT WAS CONSIDERED AT TOP  
POLITICAL LEVELS?

4. ACTION REQUESTED: THE EMBASSY WOULD APPRECIATE  
FULLER BACKGROUND INFORMATION ON THE PROPOSED  
REVISION AND ON THE EXTENT TO WHICH POLITICAL AND  
LEGAL ISSUES SUCH AS THE ABOVE HAVE BEEN EXAMINED.

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